

Appellant-defendant Dewey B. Williams appeals from his conviction for Burglary Resulting in Bodily Injury,¹ a class A felony. Specifically, Williams argues that there is insufficient evidence supporting his conviction. Finding no error, we affirm the judgment of the trial court.

FACTS

On April 4, 2005, Robert Cornett left his apartment in Muncie with the doors unlocked. Cornett walked across the street for five to eight minutes, and when he returned, he approached his apartment's only entrance and observed a man whom he had never met standing in the doorway. Cornett noticed that the man, later identified as Williams, was holding the Playstation videogame system that belonged to Cornett's children.

Cornett hit Williams in the jaw, after which Williams fell to the ground and the two began to scuffle. As a result of the fight, Cornett suffered abrasions to his right hand, bruises, scratches, abrasions to his right arm, and a scratch on his shin. After Cornett separated himself from Williams, he grabbed a telephone and dialed 911. As Cornett gave the dispatcher a detailed description of the intruder, Williams left the apartment, after which Cornett followed Williams and continued to give the dispatcher detailed information about William's location. As Williams entered a nearby alley, he turned around, shoved his hand into his pants, and lunged at Cornett, yelling, "I'm going to shoot you. I'm going to shoot you." Tr. p. 49. Cornett responded, "Yeah, right," as Williams ran off. Id.

¹ Ind. Code § 35-43-2-1.

After police officers arrived at Cornett's apartment, he identified Williams from a photo lineup. Officers canvassing the neighborhood learned from a witness that Williams had ducked into the back door of a house. After the officers arrived at the residence, the homeowner permitted them to enter her home. Upon searching the premises, the officers noticed a large lump underneath a mattress. The lump was Williams, and the officers subsequently arrested him.

On April 5, 2005, the State charged Williams with class A felony burglary resulting in bodily injury and class D felony theft. On September 13, 2005, Williams was found guilty following a jury trial. The trial court sentenced Williams to thirty years of incarceration, with five years suspended, for the class A felony burglary conviction and to one and one-half years for the class D felony theft conviction, with the two sentences to be served concurrently. Williams now appeals.

DISCUSSION AND DECISION

Williams argues that the State presented insufficient evidence to support his conviction for class A felony burglary. As we consider this argument, we observe that when reviewing claims of insufficiency of the evidence, we neither reweigh the evidence nor judge the credibility of witnesses. Jordan v. State, 656 N.E.2d 816, 817 (Ind. 1995). Rather, we review the probative evidence and any reasonable inferences that may be drawn therefrom to determine whether a reasonable factfinder could conclude that the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value supporting the conviction, we will affirm. Brown v. State, 677 N.E.2d 517, 519 (Ind. 1997).

To prove that Williams committed class A felony burglary, the State must establish the following statutory elements:

A person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a class D felony. However, the offense is:

(2) a class A felony if it results in:

- (A) bodily injury; or
- (B) serious bodily injury;

to any person other than a defendant.

I.C. § 35-43-2-1. The State posits that Williams entered the apartment with intent to commit theft, meaning that he intended to knowingly or intentionally exert unauthorized control over Cornett's Playstation with intent to deprive Cornett of any part of its value or use. I.C. § 35-43-4-2(a). Williams argues that the State failed to establish that he entered Cornett's apartment with the intent to commit theft and that it failed to establish that Cornett sustained bodily injury as a result of the burglary.

Turning first to intent, we observe that intent can be inferred from the circumstances surrounding the incident. Finley v. State, 525 N.E.2d 608, 610 (Ind. 1988). Here, the evidence establishes that Williams entered Cornett's home without permission, unhooked the Playstation from the television, picked it up, and began to leave the apartment with the Playstation in hand. Tr. p. 46. This evidence and the reasonable inferences that may be drawn therefrom are sufficient to establish that Williams entered Cornett's apartment with the intent to commit theft therein. Williams directs us to his own testimony regarding his

intent upon entering Cornett's apartment, but this is merely a request for us to reweigh the evidence—a request we decline.

Next, we observe that bodily injury is any impairment of physical condition, including physical pain. Ind. Code § 35-41-1-4. Cornett testified regarding the nature of his injuries, which included abrasions to his right hand, bruises, scratches, abrasions to his right arm, and a scratch on his shin. Tr. p. 61-62. He also testified that his injuries caused him pain. Tr. p. 62. Williams argues that because Cornett did not explicitly testify that his injuries caused him physical pain, the evidence is insufficient to support a finding of bodily injury. Given Cornett's testimony and the photographs of his injuries introduced into evidence by the State, however, it is apparent that the jury could reasonably infer that Cornett suffered physical pain as a result of the altercation with Williams.

The judgment of the trial court is affirmed.

VAIDIK, J., and CRONE, J., concur.